



CHRIS CHRISTIE  
Governor

KIM GUADAGNO  
Lt. Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
New Jersey Cemetery Board  
124 Halsey Street, 6th Floor, Newark, NJ 07102



PAULA T. DOW  
Attorney General

THOMAS R. CALCAGNI  
Acting Director

**Mailing Address:**  
P.O. Box 45036  
Newark, NJ 07101  
(973) 504-6553

### **\*NEW JERSEY CEMETERY BOARD\***

### **PUBLIC SESSION MINUTES**

**JANUARY 13, 2011**

A regular meeting of the New Jersey Cemetery Board was held at 124 Halsey Street, Newark, NJ, on the sixth floor, on Thursday, January 13, 2011. The meeting was convened in accordance with the schedule filed with the Secretary of State and was conducted in accordance with the provisions of the Open Public Meeting Act, Chapter 321, P.L. Notice of the meeting was prepared in the office of the Board and mailed on September 2, 2010 to the Secretary of State, the Attorney General, the Star Ledger, the Record, the Press of Atlantic City, the Asbury Park Press and the Trenton Times. Board Chair William Nichols called the meeting to order at 9:30 A.M. A roll call was taken and the following attendance of Board members was recorded for these minutes:

Lawrence Colasurdo	Present
Paul M. Desbiens	Present
Waheed Khalid	Present
June Nikola	Present
William Nichols	Present
Jeffrey S. Kasko	Present
Michael Ticktin	Present

Also, in attendance were: Dianne L. Tamaroglio, Executive Director, New Jersey Cemetery Board; Deputy Attorney General John Hugelmeyer; and Ellen Green, Board Secretary.

#### **I. ELECTION OF NEW JERSEY CEMETERY BOARD OFFICERS FOR 2011**

Executive Director Dianne L. Tamaroglio opened nominations for Chair of the New Jersey Cemetery Board for 2011. Lawrence Colasurdo nominated William Nichols for Chair of the Board. The nomination was seconded by Waheed Khalid. With no further nominations being made, Lawrence Colasurdo made a motion to close nominations; Michael Ticktin seconded the motion. A vote was taken and William Nichols was voted Chair of the Board for 2011 by acclamation.

Board Chair William Nichols opened nominations for Vice-Chair of the New Jersey Cemetery Board for 2011. Waheed Khalid nominated Paul Desbiens for Vice-Chair; the nomination was seconded by Lawrence Colasurdo. With no further nominations being made, Waheed Khalid made a motion to close nominations; Lawrence Colasurdo seconded the motion. A vote was taken and Paul Desbiens was voted Vice-Chair of the Board for 2011 by acclamation.

**II. APPROVAL OF PUBLIC SESSION MEETING MINUTES OF NOVEMBER 4, 2010**

A motion was made by June Nikola and seconded by Lawrence Colasurdo to approve the Public Session Meeting Minutes of November 4, 2010 as corrected. A vote was taken and the motion was passed by a unanimous vote.

**III. APPEARANCE OF DIRECTOR THOMAS CALCAGNI & DEPUTY DIRECTOR, LARRY DE MARZO 10:30 a.m.**

**Re: Discussion regarding Woodland Cemetery (CA #49)**

Director Thomas Calcagni and Deputy Director Larry DeMarzo of the Division of Consumer Affairs attended the Board meeting to discuss the ongoing problems that exist at Woodland Cemetery. Prior to their arrival the Board was involved in the discussion of another matter and with this discussion taking longer than was anticipated Director Calcagni had to leave for another commitment. Deputy Director DeMarzo spoke to the Board advising of some positive changes that have taken place at Woodland. Through the efforts of the Director's office and the Board office, a lot owners meeting was held (which hadn't been done in years) with new Trustees named to the Cemetery's Board. This was a big step in getting the cemetery in compliance with the Board's statute. Also, there were concerns as to how the funds for the cemetery's maintenance were being allocated. A full accounting of these expenses were provided to the Board office for review. This accounting alleviated the concerns. Executive Director Tamaroglio advised that Bruce Barth has resigned his position as President of the cemetery but will continue to invest the cemetery's trust fund. Deputy Director DeMarzo thanked the Board for its time.

**IV. OLD BUSINESS**

**A. Application for a Certificate of Authority**

**Layton Cemetery Association**

Jo-Ann Williamson, Secretary/Treasurer, Layton Cemetery Board has provided the Board with revised Rules and Regulations for the cemetery. Upon review of all documentation provided, a motion was made by Waheed Khalid and seconded by Lawrence Colasurdo to approve Certificate of Authority #417 for Layton Cemetery Association. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board Meeting agendas.

**B. Hoboken Cemetery (CA #183)**

Correspondence has been forwarded to the Board from Jerome M. Katz, Esquire at the request of Marian Yovan, Receiver of Hoboken Cemetery. As outlined in said correspondence it is the intent of Ms. Yovan to seek the termination of the receivership of Hoboken Cemetery and its being returned to management by its own Board of Trustees. It is the opinion of Ms. Yovan that through the course of the Receivership, Hoboken Cemetery has now reached a point that should allow it to operate on its own, without oversight. It is the intention of Ms. Yovan to schedule a lot owners meeting for the establishment of a Board of Trustees. This matter will be carried over pending receipt of notification of establishment of the Board of Trustees.

**C. Old Cemetery Improvement Association (CA #207)**

The Board has not yet received from Old Cemetery Improvement Association documentation showing proof of the establishment of three bank accounts for the cemetery in accordance with the directive of the Board. Executive Director Tamaroglio will reach out to the cemetery. This matter will be carried over.

**D. Correspondence from Joyce Antila Phipps, Esquire**

**Re: Continuation of a lease between Bound Brook Cemetery & Casa de Esperanza**

The Board is now in receipt of a copy of the amended lease between Bound Brook Cemetery and Casa de Esperanza as requested. A motion was made by Waheed Khalid and seconded by June Nikola to give final approval for the lease. A vote was taken and the motion was approved by a unanimous vote. This matter is now closed and removed from future Board Meeting agendas.

**E Application for lease of cemetery property**

**1. Valleau Cemetery of Old Paramus (CA #215) to New York SMSA Limited Partnership, d/b/a Verizon Wireless**

The Board has received an application from Valleau Cemetery for the lease of a portion of its property to Verizon Wireless for the establishment of a cell tower. An on-site inspection of the area of the lease was conducted by Board Vice Chair Paul Desbiens. Mr. Desbiens advised that the cell tower would in no way be detrimental to the cemetery. Upon review of the documentation provided as well as the on-site inspection report, a motion was made by June Nikola and seconded by Paul Desbiens to approve the application for the lease of a portion of Valleau Cemetery lands to Verizon Wireless for the establishment of a cell tower. A vote was taken and the motion was passed by a unanimous vote. This approval is with the understanding that 15% of the payments from the lease will be deposited into the cemetery's Trust Fund.

**2. Fairview Cemetery (CA #75) to T-Mobile Northeast, LLC**

The Board has received an application from Fairview Cemetery for the lease of a portion of its property to T-Mobile Northeast, LLC for the establishment of a cell tower. As a requirement for Board approval, an on-site inspection of the area of the lease must be conducted by a Board member. Board member June Nikola will conduct this inspection and report her findings to the Board at its next Board meeting. This matter will be carried over.

**V. NEW BUSINESS**

**A. Fiscal Year 2010 Budget Report (Final)**

The Board reviewed the Final Budget Report of its Fiscal Year 2010. The Board's account is considered to be okay.

**B. Approval of Bulk Sales**

**Alpine Cemetery, Perth Amboy, NJ (CA #193), to the Chun Fai Association, Inc., New York, NY**

*Executive Director Dianne L. Tamaroglio approved the bulk sale of 720 interment spaces for \$846,000.00 (\$1175. 00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Alpine Cemetery.*

**Bethel Memorial Park, Pennsauken, NJ (CA #100), to the Muslim American Community Association, Voorhees, NJ**

*Executive Director Dianne L. Tamaroglio approved the bulk sale of 250 interment spaces for \$112,500.00 (\$450. 00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Bethel Memorial Park.*

**Forest Lawn Memorial Gardens, Clover Leaf Memorial Park, Iselin, NJ (CA #14), to the Brooklyn Garments Workers (ASIA) Units, Brooklyn, NY**

*Executive Director Dianne L. Tamaroglio approved the bulk sale of 113 interment spaces for \$121,475.00 (\$1075. 00 per grave). The required 15% will be deposited into the Maintenance & Preservation Trust Fund of Clover Leaf Memorial Park.*

**C. Application for the lease of a portion of cemetery property**

**Re: Elmwood Cemetery Association of the City of New Brunswick, (CA #90)  
To T-Mobile Northeast, LLC**

*The Board has received an application from Elmwood Cemetery Association for the lease of a portion of its property to T-Mobile Northeast, L.L.C. for the transmission or reception of radio communication signals and for the construction, installation, operation, & maintenance of related facilities including a cell tower and base along with an equipment shelter. As a requirement for Board approval, an on-site inspection of the area of the lease must be conducted by a Board member. Board member June Nikola will conduct this inspection and report her findings to the Board at its next Board meeting. This matter will be carried over.*

**D. Withdrawal of money from the principal of the Trust Fund**

**Re: Jersey State Memorial Park**

**Waheed Khalid was recused from this matter and moved away from the table.**

*Upon the auditing of Jersey State Memorial Park's 2009 and 2010 Annual Reports, Board Accountant George Booktor advised the Board that money has been withdrawn from the principal of the cemetery's Trust Fund; \$10,000.00 in 2009 and \$22,500.00 in 2010. Upon discussion a motion was made by Michael Ticktin and seconded by Paul Desbiens to send a letter to Anthony Sparno President, Jersey State Memorial Park, directing him to deposit \$32,500.00 back into the Trust Fund within 45 days of receipt of the letter. If Mr. Sparno does not comply with the Board's directive the cemetery could face disciplinary action. This matter will be carried over.*

**E. Application for approval of amended Certificate of Incorporation, Certificates of Interest and Plan of Conversion**  
**Re: Floral Park Cemetery Association (CA #170)**

*James E. Mackevich, Esquire has submitted for the Board's approval an application for the approval of amended Certificates of Incorporation, Certificates of Interest & a plan of conversion from for profit to not for profit for Floral Park Cemetery.*

**F. Application for approval of Certificates of Interest and Plan of Conversion**  
**Re: Washington Cemetery Management Company (CA #172)**

*James E. Mackevich, Esquire has submitted for the Board's approval an application for the approval Certificates of Interest and a plan of conversion from for profit to not for profit for Washington Cemetery Management Company.*

**G. Application for approval of issuance of Certificates of Interest**  
**Re: Oaklawn Memorial Park Cemetery Association (CA #171)**

*James E. Mackevich, Esquire has submitted for the Board's approval an application for the approval of issuance of Certificates of Interest for Oaklawn Memorial Park Association.*

*A Committee of the Board, Board Chair William Nichols & Board Vice Chair Paul Desbiens along with DAG John Hugelmeyer and Executive Director Dianne L. Tamaroglio reviewed and discussed all documentation provided for these applications. The Committee of the Board made the recommendation to the Board that the applications be denied without prejudice. The Board voted to accept the recommendation of the Committee that the application for approval of certificates and other relief by Washington Cemetery Management Corp., Floral Park Cemetery Management Corp., and Oaklawn Memorial Park Cemetery Association be denied without prejudice due to inadequacies of documentation and a lack of approval of the Plan of Conversion by stock holders and lot owners pursuant to **N.J.S.A. 45:27-9**. Attorneys present James E. Mackevich & Marcel Plaut on behalf of the 3 cemeteries did not agree with the Board's decision. This matter is closed and removed from future Board meeting agendas.*

**H. Request for extension for filing of 2010 Annual Report**  
**Re: Laurel Memorial Park (CA #360)**

*Nicholas A. Droboniku, CPA has written to the Board on behalf of Laurel Memorial Park requesting an extension of time to file its 2010 Maintenance and Preservation Trust Fund Annual Report. However, on January 10, 2011 the Annual Report was filed. This matter is closed and removed from future Board Meeting agendas.*

**I. Problems in filing of Annual Reports**

**Re: Jacobstown Baptist Cemetery Association (CA #150)**

When Jacobstown Baptist Cemetery Association filed its 2010 Annual Report no bank documentation was provided to back up the figures on the Report. Upon review of the Cemetery's Maintenance and Preservation file in the Board office it was noted that the cemetery has not filed its Annual Reports for the years 2003 through 2009; without these reports, the 2010 report cannot be reconciled. From the limited documentation provided with the 2010 report it is noted that the Trust Fund is not titled properly. The Board discussed the matter and suggested that perhaps the reports for the last three years could be re-created if the cemetery provides bank statements for those years. Also, the Board wondered if the cemetery restricts burial to those of the Baptist faith and families; if that is the case, the cemetery may want to apply to the Board for dissolution. A letter will be sent to Dr. David A. Meers, II, President of the cemetery advising him to provide bank statements for the years 2007-2009 as well as that for 2010; asking if the cemetery restricts burial; and advising that the Maintenance and Trust Fund must be re-titled in the name of the cemetery. This matter will be carried over.

**J. Correspondence from Krislee Hall, President, Maplewood Cemetery & Chapel Mausoleum (CA #86)**

**Re: The Uras Monument Company**

Krislee Hall, President Maplewood Cemetery & Chapel Mausoleum has written to the Board about problems she is encountering with Joseph Uras from the Uras Memorial Company. Mr. Uras apparently told an individual not to pay the foundation fee to the cemetery but rather buy a bag of concrete, lay the foundation and install the marker himself. The consumer advised the cemetery, paid the fee and asked the cemetery if it would put the marker in for him. In another instance, Mr. Uras set a memorial without paying the foundation fee. Ms. Hall asks if the cemetery can barr Mr. Uras from coming to the cemetery. Upon discussion a motion was made by Michael Ticktin and seconded by Waheed Khalid to advise Ms. Hall that the Board cannot give her legal advice. However as per **N.J.S.A. 45:27-16b(5)** the cemetery has the exclusive right to the pouring of foundations. A vote was taken and the motion was passed by a unanimous vote. This matter is closed and removed from future Board Meeting agendas.

**VI. FOR YOUR INFORMATION**

**A. Issuance of Certificate of Authority #416 to Mountain Top Cemetery**

Certificate of Authority #416 was issued to Mountain Top Cemetery on November 12, 2010.

**B. Notification of Civil Action**

***State of New Jersey v Hillside Cemetery Association***  
***Docket No.: BER-L-8832-09***

***Fairview Mausoleum Co., et als. v PNC Bank, N.A. et als***  
***Docket No: BER-L-10286-10***

- C. Legislative Report Third Quarter, July 1, 2010-September 30, 2010***
- D. Notification in New Jersey Register***  
***Proposed New Rules: N.J.A.C. 13:45G***
- E. Senate Bill, No. 2497***
- F. Newspaper/Internet Articles***

***Grave site at Perth Amboy cemetery is desecrated***  
***NJ.com December 1, 2010***

***Department of Health & Senior Services Proposes to Readopt NJAC 8:2A***  
***Death Certificates***

***NJ Department of Health & Senior Services News Release Dec. 20, 2010***

*The above matters were considered informational for the Board requiring no discussion or decision making.*

***VII. PUBLIC COMMENT***

*Len Auerbach, General Manager, Floral Park Cemetery, Oaklawn Cemetery and Washington Cemetery Management Company wished everyone a Happy and Health New Year.*

***VIII. ADJOURNMENT***

*A motion was made by Michael Ticktin and seconded by Paul Desbiens to adjourn Public Session at 12:15 P.M. and move into Executive Session at 12:45 P.M.. A vote was taken and the motion was passed by a unanimous vote. The Board moved into Executive Session to discuss the following matters involving investigations and/or violations of the Board's regulations:*

- 1. Two (2) new matters or complaints filed with the Board which required review and recommendations in regard to investigation and/or actions; and*
- 2. Thirteen (13) matters where additional information has been submitted to the Board pending investigations.*

*The substance of these investigations shall remain confidential until disclosure is permitted by law. Board action arising from such discussions will be made public at such time official action is taken on these matters, if permitted by law. A motion was made by Waheed Khalid and seconded by Michael Ticktin to adjourn the Board meeting of January 13, 2011. A vote was taken and the Board meeting was adjourned at 2:00 P.M.*

*Respectfully Submitted,*

*Dianne L. Tamaroglio  
Executive Director*